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Docket Clerk, Dept of Transportation
400 7th St., SW., Room PL-401
Washington, DC 20590

10-7-2004
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January 4th 2005

Re: Service animal Rules in NPRM on Air Travel for Persons With Disabilities

.DOCKET#OST-2004- 19482-21

I do support the efforts by the Department of Transportation to improve air travel on many fronts for passengers with disabilities, there is a critical issue in the NPRM which I must respectfully ask DOT officials to reconsider.

The new rule states that airlines may require passengers like myself to pay for an extra seat if my assistance dog cannot fit directly in front of or under my seat. I cannot afford that option. I am on a limited income and have to save to get the money to buy 1 ticket to visit my family every year. I cannot have my dog separated from me. We have a bond that is more than person and pet. She watches over me and helps me with my mobility. It also would be a violation of the Americans With Disabilities Act, as found in Crowder v. Hawaii decision of the Ninth District court. Shouldn't the ACAA provisions be as protective of disabled air travelers as the ADA is of those of us using trains, buses, ect.?

This overlooks the fact that I and a number of other disabled persons only have our freedom to travel alone, because we have our dogs to help us.

Since the trend over the last few years has been to down size the seats and or add more seats, the space in front of the seats has been reduced too. Some are even using the bulkhead seats as an exit row, or just making the leg room smaller. Shouldn't the airlines bear some responsibility for these decisions which negatively impact the amount of room in front of a seat for an assistance dog?

If the DOT doesn't take decisive action at this time to protect the right of disabled passengers to be accommodated in the plane cabin with an assistance dog, it will gravely undermine the progress the assistance dog movement has made over the last twenty five years in the area of civil rights.

As a disabled person that is tall, and has problems with balance, a small dog wouldn't be able to help me. PLEASE help me to be able to travel in the future with my Service Dog.

Sincerely, Kaye Marschke
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